

Application No. 10/735,091
Amendment Dated August 8, 2006
Response to Office Action of February 9, 2006

PATENT RESPONSE

REMARKS

The Applicants appreciate the Examiner's continued consideration of the present Application and in particular appreciate the time of both the Examiner and the Examiner's Supervisor in conducting the in-person Examiner's Interview with one of the Applicants and the Applicants' attorney at the Patent Office on June 5, 2006.

In the Office action dated February 9, 2006, the drawings were objected to under 37 CFR 1.83(a) as failing to show the limitations of original claim 13 regarding a saddle seat having a third horizontal plane spaced above first and second horizontal planes. Additionally, all of claims 1-18 and 20-25 were rejected. More particularly, claims 17, 18, and 22-25 were rejected under 35 U.S.C. 102(e) as being anticipated by Rondeau et al. (U.S. Patent No. 6,968,917). Additionally, claims 20 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rondeau et al. in view of Nutile et al. (U.S. Patent No. 5,456,138).

Also, claims 1-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hisada (U.S. Patent No. 5,893,424) in view of Grinde et al. (U.S. Patent No. 5,845,918). Further, claims 6-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hisada in view of Mikuniya et al. (U.S. Patent No. 4,691,963). Additionally, claims 6, 9-10 and 13-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hisada in view of Watkins et al. (U.S. Patent No. 5,915,329). Finally, claims 6, 11 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hisada in view of Katsuoka (U.S. Patent No. 4,527,831).

The Applicants appreciate the Examiner's indication that claim 19, while objected to in the Office action, would nevertheless be allowable if rewritten in independent form including all of the limitations of independent claim 17.

In response to the various objections and rejections, the Applicants have significantly amended the claims as shown above. In particular, the Applicants have amended claim 19 to recite expressly all of the limitations of original independent claim 17. Therefore, the Applicants respectfully submit that claim 19 is now in condition for allowance.

Further, the Applicants have cancelled all of original claims 1-18 and 20-25 and instead submitted new claims 26-49. For at least the reasons set forth below, the Applicants respectfully submit that new claims 26-49 are in condition for allowance, and also that the objection to the drawings set forth in the Office action is no longer pertinent.

Application No. 10/735,091
Amendment Dated August 8, 2006
Response to Office Action of February 9, 2006

PATENT RESPONSE

The Applicants also wish to let the Examiner know that a Supplemental Information Disclosure Statement from the Applicants is forthcoming, and that this IDS is not being submitted with this Amendment due to the relatively large volume of material being submitted in the IDS. The references being cited in the IDS will include U.S. Patent Nos. 4,451,057 to Lawson and 6,270,106 to Maki et al.

Objection to the Drawings

Original claim 13, which was the only original claim reciting a saddle seat with three horizontal planes, has been cancelled. Further, no new or amended claim as set forth above recites these limitations. Consequently, the Applicants respectfully submit that the objection to the drawings set forth in the Office action is no longer pertinent.

Allowability of Independent Claim 19

As noted above, claim 19 has been rewritten in independent form to include the limitations of original claim 17. The Examiner will note that both the preamble of the claim and the final clause of the claim (e.g., the language of original claim 19) have been also slightly amended to improve the readability of the claim language. In view of the comments set forth in the Office action, the Applicants therefore submit that claim 19 is now in condition for allowance.

New Claims 26-49 and Allowability Thereof

As shown above, the Applicants have cancelled original claims 1-18 and 20-25 and submitted in their place new claims 26-49, of which claims 26, 37 and 43 are independent. The cancellation of original claims 1-18 and 20-25 is without prejudice, and the Applicants do not concede, by virtue of the cancellation of any of these claims, that the grounds for rejection of these claims set forth in the Office action are adequate. Indeed, as expressed by the Applicants during the Examiner's Interview of June 5th, the Applicants respectfully submit that certain of the features of these cancelled claims are not shown in the references relied upon in the Office action, and/or that it would not have been obvious to one of ordinary skill in the art to combine those references as suggested in the Office action to arrive at the Applicants' claimed invention.

Application No. 10/735,091
Amendment Dated August 8, 2006
Response to Office Action of February 9, 2006

PATENT RESPONSE

Nevertheless, to further the prosecution of the present Application at the present time, the Applicants have submitted new claims 26-49, which the Applicants respectfully submit are in condition for allowance. The Applicants submit that the addition of these new claims does not add new matter. Further, the Applicants submit that many of the features in the newly-added claims are new by comparison with the cancelled claims and, as best as the Applicants can determine, are not shown in any of the references that were relied upon in the present Office action, namely, Hisada et al., Grinde et al., Mikuniya et al., Watkins et al., Katsuoka, or Nutile et al. (it should also be noted that the Applicants believe that Rondeau et al. does not constitute prior art with respect to claims 26-49).

For example, new independent claim 26 is for a recreational utility vehicle (RUV) having right and left foot rest surfaces that are respectively positioned between right front and rear fenders and left front and rear fenders, where each of the foot rest surfaces has a respective length that is substantially greater than or equal to a diameter of one or more of the tires of the RUV, and where the tires of the RUV are low-pressure tires each having a respective internal pressure of substantially 10 psi or less (characteristic of balloon tires). The Applicants respectfully submit that these recited features find support within the Specification, for example, in FIGS. 1 and 3 and at page 4, lines 18-19.

Further for example, new independent claim 37 is for an RUV having right and left foot rest surfaces, where each of those foot rest surfaces includes respective first and second protrusions that each extend, widthwise, at least mostly across the respective foot rest surface, the first and second protrusions of each respective foot rest surface being positioned in succession along a respective length of the respective foot rest surface within the respective first and second foot rest areas of the respective foot rest surface, whereby the first and second protrusions of each respective foot rest surface are configured to facilitate positioning first and second feet in succession along the respective length of the respective foot rest surface. Such features find support in the Specification, for example, in FIG. 7 and at page 5, line 17-page 6, line 8.

Also for example, new independent claim 37 further provides that each of the right and left foot rest surfaces includes a respective first foot rest area and a respective second foot rest area that is positioned rearward of the respective first foot rest area, and that at least a first section of the first foot rest area of one of the foot rest surfaces extends along a first plane that is

Application No. 10/735,091
Amendment Dated August 8, 2006
Response to Office Action of February 9, 2006

PATENT RESPONSE

different from a second plane along which extends at least a second section of the second foot rest area of the one foot rest surface. Such features find support in the Specification, for example, in FIG. 8 (Rondeau et al. in particular does not constitute prior art with respect to these features, which were shown in the parent to the present Application).

Additionally for example, new independent claim 43 is for an RUV having an exterior housing structure supported by the frame, where the exterior housing structure includes both an upper portion and the right and left fenders that respectively extend partly around the right and left rear tires, respectively, where the right and left foot rest surfaces respectively extend up to the right and left fenders, and where the upper portion extends at least partly around the second portion of the seat and under the rack. Such features find support in FIG. 4 of the Specification.

Therefore, in view of the cancellation of original claims 1-18 and 20-25, the addition of new claims 26-49, and the apparent differences between the new claims and the references relied upon in the Office action (only some of which are described above as examples), the Applicants respectfully submit that claim rejections set forth in the Office action are now moot and further requests consideration and allowance of these new claims.

CONCLUSION

Given the Applicants' remarks and amendments, the Applicants respectfully request reconsideration and allowance of the present Application.

The Applicants are submitting herewith a request for a three-month extension of time in accordance with 37 CFR § 1.136 and related fee. The Applicants additionally conditionally petition for any such extension of time as is deemed necessary to further prosecution of the present Application, and requests that any fees required in connection with such extension of time be charged to Account No. 23-2053. Also, the Applicants believe that no other fees are due in connection with the submission of this amendment, and in particular believe that no additional fees are due in connection with the claim amendments since the numbers of pending independent claims and the total claims have not changed. Nevertheless, if it is deemed that additional fees are required in connection with the amendments to the claims set forth above or for some other reason, please charge Account No. 23-2053.

Application No. 10/735,091
Amendment Dated August 8, 2006
Response to Office Action of February 9, 2006

PATENT RESPONSE

The Applicants wish to invite the Examiner to telephone the Applicants' attorney at the number listed below if discussion with the Applicants' attorney would be of assistance to the Examiner or further the prosecution of the present Application.

Respectfully submitted,
Richard A. Davis et al.

Dated: August 8, 2006

By: 

John T. Pienkos
Reg. No. 42,997
WHYTE HIRSCHBOECK DUDEK S.C.
555 East Wells Street, Suite 1900
Milwaukee, WI 53202-3819
(414) 273-2100